

### REMARKS

The application has been reviewed in light of the Office Action dated March 24, 2006. Claims 1-13 are pending in this application, with claims 1, 12 and 13 being in independent form. Claim 7 has been withdrawn from consideration. By the present Amendment, claims 1-4, 6, 8-10, 12 and 13 have been amended to correct formal matters not effecting the scope of the claims. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claim 1-12 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent 5,762,328 to Yamada et al. Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits independent claims 1 and 12 are patentably distinct from the cited art, for at least the following reasons.

Independent claim 1 relates to a sheet processing apparatus, comprising a first roller pair conveying a sheet received from an external apparatus, a second roller pair conveying the sheet conveyed from the first roller pair, a jogging tray configured to receive the sheet conveyed from the second roller pair and jog the received sheet and a binding device configured to bind a stack of sheets received and jogged by the jogging tray. The second roller pair can be driven to rotate such that sheets received from the external apparatus and conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray.

Embodiments of the present disclosure relate to sheet processing apparatuses. The present

disclosure is concerned with a problem which occurs when the apparatus is jogging and binding a previously received set of sheets at the same time that another set of sheets is being formed. In early systems, when the image forming speed of the apparatus is relatively high, the apparatus had to stop forming images when the apparatus was jogging and binding a previously received set of sheets. According to an embodiment of the present disclosure, this problem is resolved since the second roller pair can be driven to rotate such that sheets received from the external apparatus and conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray (see, for example, claim 1).

Yamada et al., as understood by Applicant, relates to a mechanism for conveying a bound recording paper bundle toward a paper discharging tray. The lower roller pair 4 of Yamada et al. (described in the Office Action as corresponding to the second roller pair of Applicant's present disclosure) merely convey the recording paper that has been guided into the conveying path to the stapling apparatus 11 (e.g., see Fig. 1 and column 4, line 54-63). The Office Action asserts that there is no evidence that the device of Yamada is incapable of the recitation in the claims.

Yamada et al., as understood by Applicant, is concerned with an entirely different set of problems than the present disclosure. Yamada et al, as understood by Applicant, is concerned with what happens when a claw for rotating an endless discharging belt is brought into contact with the rear edge of the bound recording paper bundle to discharge the bundle toward the paper discharging tray and the claw collides with the rear edge of the stationary recording paper bundle

which may bounce or bound and thereby disengage from the claw (col. 1, lines 20-30)

There is nothing in Yamada et al. to indicate that there would be any reason at all to drive the second roller pair of Yamada et al. as claimed to avoid the problems faced by the Applicant of the present disclosure. In any event, to even more clearly distinguish over the cited art, the claims have been amended to recite that the second roller pair can be driven to rotate such that sheets received from the external apparatus and conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped *and stacked* one upon another with leading edges thereof shifted stepwise one after another, *the stacked sheets* being held by the second roller pair to be further conveyed to the jogging tray. There is no teaching or suggestion in the cited art of such a feature.

Accordingly, Applicant submits independent claim 1 is patentably distinct from the cited art. The other independent claims are believed to be patentably distinct for at least similar reasons.

Independent claim 13 was rejected under 35 U.S.C. 103(a) as allegedly obvious from U.S. Patent Publication 2004/0175217 to Nakamura. Applicant has carefully considered the Examiner's comments and the cited art. It is noted that Nakamura has a U.S. filing date of March 2, 2004 for purposes of being used as prior art. In contrast, the present application has a U.S. filing date of April 15, 2004 and claims priority from a Japanese application dated May 21, 2003. Submitted herewith is a sworn translation of the priority document. Accordingly, it is believed that Nakamura is not prior art to the present disclosure.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No.

03-3125.

If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard F. Jaworski', is written over a horizontal line.

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